



TOWN OF

# KENSINGTON

FEBRUARY  
2005  
*JOURNAL*

## Meeting Schedule

### **Monday, February 28 at 7:00 p.m. Town Meeting**

Lt. Thompson and Officer Matthis will discuss police coverage in Kensington  
Christy Huddle, Pedestrian Safety Coordinator from the County Executive's Office  
will discuss pedestrian safety and provide safety lights

### **Monday, March 7 at 7 p.m. Work Session**

### **Monday, March 21 at 7 p.m. Town Meeting**

Public Hearing on Amendments to Chapter V, Article 1,  
Section 5-104 Building Lines  
Fiscal Year 2006 Budget Discussions

**The starting time for Town Meetings has been changed to 7:00 p.m.**

### **Maryland Tax Return 2004 Form 502/503**

Please remember to write the Town of Kensington in the box marked city,  
town or taxing area. This will insure that a portion of your tax dollars will  
return to the Town.

### **Snow Removal Reminder**

Please remember to clear the walkway in front of your property within 24  
hours from the time precipitation stops.

Contact us at 3710 Mitchell Street, Kensington, MD 20895

Phone: 301-949-2424; Fax: 301-949-4925;

E-mail: [mayor.council@tok.org](mailto:mayor.council@tok.org); Web Site: [www.tok.org](http://www.tok.org)

### **Pedestrian Safety**

Christy Huddle, Pedestrian Safety Coordinator from the County Executive's office will be attending the February 28<sup>th</sup> Town meeting. She will be speaking about the county's efforts on pedestrian safety and will be providing safety lights to help walkers be more visible at night. Please attend to learn more about how we can all be safer.

### **Red Cross Blood Drive**

It is time again for our annual Town of Kensington Blood Drive at the Town Hall on Saturday March 19<sup>th</sup>, 2005. As I am sure you are aware, the American Red Cross blood supply is at emergency levels. Your time and donation count! Please contact me with your preferred appointment time. We are scheduling in 15 minute increments beginning at 9:00am until 2:45pm. All I need now is your preferred time slot, name and phone number. You may donate if you donated on or before January 22<sup>nd</sup>, 2005, you are at least 17 years of age, weigh at least 110 pounds and in good health. Please contact the American Red Cross with questions regarding eligibility. 1-800-GIVE-LIFE or [www.my-redcross.org](http://www.my-redcross.org). Thank you again for your pledge and I look forward to seeing you on the 19<sup>th</sup> of March. If you would like to donate to this event in other ways, please do not hesitate to offer up ideas. Thank you! Andrea Gill, 301-949-4030 or RGILL3@aol.com

### **Reminder on Parking**

Please remember not to block the sidewalk when parking in your driveway.

### **“If I Were Mayor I Would . . .” Contest**

The Maryland Municipal League (MML) and the Maryland Mayors' Association invites 4th grade students throughout Maryland to participate in a statewide essay contest. Contest deadline is April 1, 2005. For more information contact MML at 1-800-492-7121 or [www.mdmunicipal.org](http://www.mdmunicipal.org)

### **Earth Arbor Day**

The Town will be celebrating Earth/Arbor Day on April 9<sup>th</sup>. Volunteers are needed. Please contact Louise Hamilton (301) 949-2424.

### **WSSC's Bi-County Water Supply Main Study – The Clean Water Connection**

WSSC is having a public workshop on Tuesday, March 1, from 7 to 9 p.m. at Kensington Town Hall. For more information call 301-206-8184.

### **Volunteers Needed for Labor Day Event!!**

The Town of Kensington is in the planning stages for it's 38<sup>th</sup> annual Labor Day Parade and Festival to be held on September 5, 2005. The event is a long-standing tradition that includes a parade with local and award-winning marching units, followed by a festival featuring entertainment, crafts and specialized art for sale, and of course tasty foods.

We need your help to make this event a success. All kinds of volunteers are needed – from those willing to help in pre-event mailings and distributions, to those who are available on Labor Day weekend (Sept 3-5, 2005) to set up stages, arrange road blocks, help with neighborhood traffic management and other necessary tasks.

Student volunteers are also welcome and can receive Student Service Learning Credits for their time.

The Labor Day Event is a great opportunity to get involved and meet some of your Kensington neighbors. If you are interested in helping with this event in any way, please contact: Kathy Taylor at 301-942-9254 or email: ladytaylor@msn.com

### Building Permits Issued

Addition at 10537 St. Paul Street  
Addition at 3794 Howard Avenue  
Basement alterations at 10607 Lexington Street  
Alter garage door at 3928 Prospect Street  
Fence at 10200 Kensington Parkway

### Mayor's Report

Safeway is doing some preliminary work while waiting for an opinion from the Planning Board. They cannot get permits from Montgomery County or the Town until they receive the Planning Board opinion. The hearing was held in July 2004 and the application was granted. The Mayor has asked for a status on the opinion and encouraged the Board to get it out as soon as possible.

We have an architect working on final plans for the interior of the third floor. When the construction is completed the Town office will move upstairs to that level. The ground floor will then be available for all community activities.

The Mayor attended the Maryland Mayors' Association Conference in Annapolis this month and the Maryland Municipal League Board of Directors Meeting. Discussion at both meetings centered around the State budget and its potential impact to municipalities.

Electric aggregation was another topic discussed. If municipal governments are allowed by State law to aggregate for its residents we would have the ability to purchase "green" power. By pooling we can purchase electric power at a reduced rate for our residents. This legislation is one of the top priorities for the Maryland Municipal League this session. Several municipal leaders met in Takoma Park to sign an agreement to support Senate Bill 39.

The Mayor is getting prices on repairs to brick sidewalks on Kensington Parkway on the south side of Town. We will also be installing additional sidewalk in Flinn Park to connect with the existing brick.

The Mayor has attended meetings with state and county officials the past month discussing issues relating to the Town.

Proposed Amendment to Chapter V, Article 1,  
Section 5-104, Building Lines

**Description:** Changes to the variance procedure

**Goal:** To provide for reasonable expansion while respecting the Town's desire to maintain greater green space between homes; to make the Town's variance process more consistent with the County's, to clarify applicant's burden of proof.

**History:** The Council has been discussing revisions to the Town Code with regard to the variance process for the past several years. There have been at least three open meetings where citizen's input was solicited and heard. The draft below incorporates many of the comments, suggestions and recommendations the Council has received. At the February 7, 2005 Work Session, the Council agreed to introduce this draft with the intention of adopting these changes at the March 21, 2005 Town Meeting.

Section 5-104              Building Lines

- (a) The Council may establish a uniform building line upon any street on land zoned for single-family residential use and require that buildings or structures thereafter erected conform to such line.
- (b) Unless a variance is granted in accordance with this Section:
  - (1) **Front Yard.** No dwelling or any part or projection thereof, unless listed in exceptions on land zoned for single-family residential use, shall be erected or located nearer than twenty-five (25) feet to the property line of the street on which the dwelling will face.
  - (2) **Side Yards.** No dwelling or any part or projection thereof, unless listed in exceptions on land zoned for single-family residential use, shall approach nearer than ten (10) feet to either of the side lines of the lot on which said dwelling is located or be located nearer than fifteen (15) feet to any other dwelling.

**Exceptions:** When building an addition to an existing dwelling, at least one side of the addition must conform to no less than the minimum side yard requirement in existence when the dwelling was constructed. The sum of the side yards of an addition must total at least twenty (20) feet, no matter when the original dwelling was constructed. An addition adding fifty percent (50%) or more to the footprint of the original dwelling shall be considered new construction and not an addition and shall conform to the existing side yard requirements.

- (3) **Rear Yard.** No dwelling or any part or projection thereof, unless listed in exceptions on land zoned for single-family residential use, may be located nearer than twenty (20) feet to the back line of the lot.

- (c) Any dwelling legally erected with side building lines nearer than those established by these provisions shall not be considered to be non-conforming, and in the event of destruction from fire, wind, earthquake or flood, said dwelling may be reconstructed in its existing footprint.
- (d) Upon written request for a variance, an applicant must prove that:
  - (1) There are specific situations or conditions that are peculiar to the property that makes it unique from neighboring properties, including, but not limited to: (i) shape (narrowness/shalowness); (ii) topography; (iii) historic significance; (iv) environmental features; or (v) other extraordinary conditions unique to that property. The conditions must result from the application of building or zoning standards and not from the action, inaction or the personal circumstances of the property owner or the owner's predecessor(s);
  - (2) The requested variance is the minimum necessary to overcome the unique condition of the property; and
  - (3) The requested variance is not detrimental to neighboring properties or the community as a whole.

### Closed Session

A closed session was held on January 10, 2005 at 7:00 p.m. to discuss the legality of a proposed ordinance pertaining to side yard setbacks. The Town attorney will rewrite the ordinance for Council review. Rachel McGuckian, Mayor Raufaste, Council Member Pfautz, Cowan, and Timlin were present. The meeting adjourned at 7:35 p.m.

### Town Meeting

January 31, 2005

Mayor Raufaste, Council Members Cowan, Pfautz, and Timlin met with the Town's Building Inspector at 7:00 p.m. to discuss building permit applications.

Fred Klauda, a resident of Circle Manor who will be 100 years old on February 10, 2005, was given a Centenarian Proclamation by the Mayor.

Mayor Raufaste called the Meeting to order at 7:40 p.m. with Council Members Cowan, Pfautz, and Timlin, Code Enforcement Officer Hamilton, and Clerk Treasurer Engels present. The Pledge of Allegiance was recited. A Moment of Silence was observed for Marian Ronsaville, a long time resident that recently passed away.

Walter Schmitt, representing the Kensington Lions Club presented the Town with a plaque honoring Kensington active duty and veteran service men and women for their dedication to the United States of America.

Leslie Olson presented the Audit Committee Report for FY 2004 which concurred with the audit report from the Town's auditors.

Gail Tait-Nouri from Montgomery County presented three alternatives for bike path signage with an approximate cost of \$50,000.

The minutes from January 3, 2005 were reviewed.

The Mayor and Council did not present reports and will put them in the next Journal.

Mary Cassell, a Town resident representing the Kensington Parkwood PTA explained their engraved brick fundraiser for the new school.

The Town Attorney has written new language on the variance process that will be discussed at the next Work Session.

The Mayor discussed the citations issued for violation of the Town's snow ordinance. The Mayor suggested the snow ordinance be enforced by: hand delivering a notice after 24 hours and issuing a citation 24 hours later if snow has not been removed; having a committee with residents from each street be responsible for helping older residents which could be a responsibility of the traffic committee; having the Town Crew remove snow along residential areas on state and county roads; and fines could be reduced or waived from the snow on January 22, 2005. Residents and business owners expressed concerns over shoveling and then having the sidewalk recovered again from plows or blowing snow, shoveling on County and State roads and on not receiving a warning. (See Council Actions)

### **Council Actions**

Council Member Pfautz moved to approve the minutes from the November 29, 2004 Town Meeting, December 13, 2004 Work Session, and January 3, 2005 Work Session. Council Member Timlin seconded and it passed unanimously.

Council Member Pfautz moved to approve the Town purchasing a \$1,000 brick engraved with the Town's logo from the Kensington Parkwood PTA. Council Member Cowan seconded and it passed unanimously.

Council Member Timlin moved to adopt the Mayor's suggestions of enforcement of the snow ordinance which includes a 24 hour warning before a citation, exclusion for residential areas on County and State Roads and holding all citations issued for snow storm of January 22, 2005 until the Work Session on February 7, 2005. Council Member Pfautz seconded and it passed unanimously.

There being no further business, the meeting adjourned at 9:20 p.m.

### **Work Session of Mayor & Council**

February 7, 2005

The Work Session commenced at 7:05 p.m., Mayor Raufaste, Council Members Carr, Cowan, Pfautz, and Timlin, Code Enforcement Officer Hamilton, Building Inspector Stablow, and Clerk-Treasurer Engels were present and the following issues were addressed.

Enforcement of the snow ordinance was discussed. (See Council Actions)

The Council discussed eliminating parking on one side of Farragut Avenue in order to allow clearance for vehicles removing trash and snow. The Council will review the street to determine which side to eliminate parking on and discuss at the next meeting.

The Council concurred to eliminate parking on the west side of Calvert Street next to the church to allow clearance for vehicles removing trash and snow.

The Council discussed and introduced an amendment to Chapter V, Article 1, Section 5-104, Building Lines. A public hearing will be held before the March 21 Town Meeting. Council Member Carr expressed concern over introducing all the changes together and requested that the 50% clause be considered as a future amendment after allowing more time to review it and hear from the community.

Upcoming meeting dates for 2005 were set as follows: Work Session, March 7; Town Meeting, March 21; Work Session, April 4; Town Meeting, April 25; Work Session, May 2; Town Meeting, May 23; Work Session, June 13; Special Meeting, July 4; Work Session, July 18; Work Session, August 15. The Council concurred to change the starting time of all meetings, Work Session and Town Meetings, to 7:00 p.m.

The Building Inspector will email the Mayor and Council with suggested procedural changes for building permits. The proposed new homes on Hadley and Carroll Place were discussed and the Council concurred not to require a sidewalk but will require storm drainage and a vegetated buffer as a condition.

The budget for fiscal year 2006 will be discussed during the March 21 Town Meeting and the April 4 Work Session.

The project list was reviewed and updated.

Council Member Carr reported that the Writ building has adjusted their lights in response to the Town's letter and will send letters to other properties. Council Member Carr requested trees in the median at Connecticut Avenue and Baltimore Street be looked at to see if they can be elevated to improve the site line for turning vehicles. The Mayor will follow up with the County to find out if they have reviewed the location of the bus stops on Connecticut Avenue to determine if they are in the best location for safety.

The minutes from January 31, 2005 were reviewed.

The monthly correspondence was reviewed.

The Council concurred to support legislation at the State level for municipal electrical aggregation.

There being no further business, the meeting adjourned at 10:00 p.m.

## Council Actions

Council Member Cowan moved to accept previous recommendations for enforcing the Town's snow ordinance which include the following: a hand delivered written warning notice to be issued after 24 hours allowing an additional 24 hours before a citation is issued; the Town would clear snow from residential sidewalks along Connecticut Avenue, Summit Avenue, and Knowles Avenue; all citations issued to both residential and commercial property owners for the January 22, 2005 storm would be rescinded, and staff and administration would exercise good judgement in all cases. Council Member Timlin seconded and it passed unanimously.

Council Member Pfautz moved to introduce the proposed Town code language of the amendments to Chapter V, Article 1, Section 5-104 Building Lines with additional changes noted on the Mayor's draft. Council Member Timlin seconded and the motion passed. Council Member Carr opposed the motion.

Council Member Timlin moved to authorize up to \$3,500 in expense for the revitalization brochure for the Kensington commercial area by RMR Publications. Council Member Pfautz seconded and it passed unanimously.

PRST STD U.S. POSTAGE PAID KENSINGTON, MD PERMIT #2393
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